

Chapter 17.22

WATER USE CHARGE

(The Operative Date of Ordinance No. 18266 passed November 3, 2003 is JANUARY 4, 2004).

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17.22.010 Water Rates to Customers; Council to Adopt Rates by Resolution.

Every premises using water supplied by the Lincoln Water System shall be subject to a water use charge. Water usage charges shall be set by resolution passed by the City Council of the city for all customers of the water system. An annual review of said water use charges may be undertaken by the City Council. (Ord. 13892 §61; July 16, 1984).

17.22.020 Billing Cycles.

For the convenient and economical collection of water use charges, the Director shall divide, in such manner as he shall deem fit, the city into billing cycles, the water use charges in each such billing cycle to be billed at least once every two months. (Ord. 11657 §56; April 12, 1976).

17.22.025 Combined Meter Readings.

When water is furnished to a single premises from two or more water services and the delivery is registered by two or more meters, and all the water is used by such customer for himself, his household, or business, the charge for the water so furnished may be computed by adding the delivery as shown by each of the said meters and the minimum monthly charges for each meter and may be billed to the customer as a single charge. (Ord. 13892 §62; July 16, 1984).

17.22.030 Special Permits; Rates.

Water may be furnished by the Lincoln Water System for construction purposes and other special purposes upon application to the Director for a permit as specified in Section 17.10.070. The applicant shall obtain a permit and pay a permit fee. The permit holder shall also pay for the water used at the rate as determined by the Director. A deposit sufficient to cover the cost of the water meter, backflow prevention assembly, and other meter apparatus shall be required by the Director. (Ord. 18266 §1; November 3, 2003; prior Ord. 13892 §63; July 16, 1984).

17.22.040 Estimating Bill.

If for any reason access cannot be gained to a meter for reading or repairing thereof, the bill for the period shall be estimated from the consumption for the period when water was supplied under similar conditions and was correctly measured by the meter. (Ord. 11657 §59; April 12, 1976).

17.22.050 Unnecessary Waste.

There will be a charge for all water supplied, whether or not intentionally used or wasted. (Ord. 13892 §64; July 16, 1984).

17.22.060 Water Use Charge a Lien on Real Estate.

The amounts charged for all water use, together with all other charges and penalties, shall be and are hereby declared to be a lien upon the property when the same is furnished from the time the same becomes due until paid. (Ord. 11657 §61; April 12, 1976).

17.22.070 Tampered Meters.

It shall be unlawful to disconnect, reverse, or otherwise tamper with any meter used to measure water consumption without the direct permission of the Lincoln Water System. If any meter is found by the Director to have been disconnected, reversed, or tampered with, the water use shall be estimated and charged for the period, and the meter repaired and tested at the customer's expense. (Ord. 13892 §65; July 16, 1984).

17.22.080 Discontinuance of Use.

Any owner desiring to discontinue the use of water shall either request the Director to effect such discontinuance by signing a written request to discontinue service, or shall request a registered master plumber to effect such discontinuance. If the water is turned off at the stop box by a registered plumber, the plumber shall make a report in writing to the Lincoln Water System the day the water service is discontinued. If any period of discontinuance of such use is less than ninety days, measured from the time the water is turned off by the Lincoln Water System or, if effected by a plumber, from the time the written report is received by the Lincoln Water System, all water use charges including minimum billings shall apply. (Ord. 13892 §66; July 16, 1984).

17.22.090 Shutting Off Water.

(a) When a billing made by the city for supplying water or furnishing equipment required by this title to any premises becomes delinquent in whole or in part for a period of more than ninety days, or when the water service to any premises is being used or maintained contrary to any of the other requirements of

this title, the Director may order the water service to such premises discontinued until such billing be paid or until such contrary use or maintenance cease. However, for such nonpayment for water supplied or equipment furnished to premises being used for domestic purposes, such discontinuance of water service shall not be made by the city until the occupant of such premises has been served with written notice as provided in Section 17.22.100 by first class mail or in person that such water service is to be discontinued unless and until such billing is paid. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is given or sent. Holidays and weekends shall be excluded from the seven days. As to any subscriber who has previously been identified by the State of Nebraska Department of Public Welfare, such notice shall be by certified mail and notice of such proposed termination shall be given to the department.

(b) Nothing contained in this section shall be construed to require any city department or official to give any notice otherwise required by this section in order to effect the temporary interruption of any water service for the making of repairs, for construction purposes, or in the case of any emergency. (Ord. 13892 §67; July 16, 1984).

17.22.100 Discontinuance of Service; Notice; Contents.

The notice required by Section 17.22.090 shall contain the following information:

- (a) The reason for the proposed disconnection;
- (b) A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Lincoln Water System regarding payment of the bill;
- (c) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
- (d) The name, address, and telephone number of the Lincoln Water System employee or department to whom the domestic subscriber may address any inquiry or complaint;
- (e) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- (f) A statement that the Lincoln Water System may not disconnect service pending the conclusion of the conference;
- (g) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the water service to that household. Such certificate shall be filed with the Lincoln Water System within five days of receiving notice under this section and will prevent the disconnection of the water service for a period of thirty days from such filing. Only one postponement of disconnection shall be allowed under this subdivision for each incidence of nonpayment of any due account;
- (h) The cost that will be borne by the domestic subscriber for restoration of service;
- (i) A statement that the domestic subscriber may arrange with the Lincoln Water System for an installment payment plan;
- (j) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their water bill and that they should contact their caseworker in that regard; and

(k) Any additional information not inconsistent with this section which has received prior approval from the Director. (P.C. §17.22.095: Ord. 13892 §68: July 16, 1984).

17.22.110 Cost of Water Turnoff and Turnon.

Whenever water to a premises is turned off at the request of any person other than the city, or because of failure of the owner of the premises to comply with the provisions of this title, the Director shall charge such owner for the cost of turning the water off and turning such water back on, the same being the cost to the city for such work. Further, the Director may require that all billings be paid before water service is turned back on. (P.C. §17.22.100: Ord. 13892 §69; July 16, 1984).

17.22.120 Turning on Water Without Permission.

It shall be unlawful for any person, from whose premises the water has been shut off for any of the reasons provided, to turn the water on without prior permission from the Director. (Ord. 18266 §2; November 3, 2003: P.C. §17.22.110: Ord. 13892 §70; July 16, 1984).